

Kent Ries
State Bar No. 16914050
600 S. Tyler, Box 12058
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Amarillo, Texas 79101
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COUNSEL FOR TRUSTEE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE:	§	
	§	
RALPH LYLE CRUM,	§	Case No. 08-20297-RLJ-7
	§	
Debtor.	§	Hearing is set for June 11, 2009
	§	at 1:30 p.m.

**MOTION TO COMPEL DEBTOR TO TURNOVER GROUP SAMA ACCOUNT
AND DOCUMENTS**

TO THE HONORABLE ROBERT L. JONES, BANKRUPTCY JUDGE:

COMES NOW, Kent Ries, Trustee (“Trustee”) of the referenced Chapter 7 bankruptcy estate, and files this Motion to Compel Debtor to Turnover Group SAMA Account and Documents, and in support thereof would respectfully show the Court as follows:

I.

1. The Debtor claimed his interest in an “IRA” account at Group SAMA, with a scheduled value of \$254,902.04, as exempt and stated as his basis for the exemption, among other things, 11 U.S.C. §522(d)(10)(E) & (12).

2. On November 25, 2008 the Trustee filed Second Amended Objection to Debtor’s Claimed Exemptions wherein he objected to this exemption claim as the Debtor had not met the requirements to exempt these assets.

3. This Court's Order dated April 15, 2009 determined the Group SAMA account of approximately \$254,902.04 was property of the bankruptcy estate and not exempt under any of the authorities claimed by the Debtor.

4. Bankruptcy Code §521 (a) (4) requires a debtor to surrender to the trustee all property of the estate. The Debtor here has failed to comply with this Court's April 15, 2009 Order and turnover the Group SAMA account to the Trustee.

5. The Debtor has appealed the April 15, 2009 Order and requested a direct appeal to the Fifth Circuit Court of Appeals. However, no stay of the Order has been requested by the Debtor. Further, no supersedeas bond or other similar relief has been presented to the Court by the Debtor.

6. On April 17, 2009, the Trustee mailed to Group SAMA and the Debtor a letter requesting the turnover of the Group SAMA account proceeds. A copy of the letters are attached hereto as Exhibit "A" and incorporated herein for all purposes. Neither party has made any attempt to comply with Trustee's request.

II.

7. On April 17, 2009, the Trustee requested the Debtor provide contact information on Trudy Hall, who was asserted by the Debtor to be his fiancée. To date Debtor has not complied with Trustee's request. Ms. Hall was the subject of a fraudulent transfer of approximately \$11,000.00 of Debtor's investments just prior to filing.

WHEREFORE, Trustee prays that, after notice and hearing, the Debtor be ordered to turnover the Group SAMA account pursuant to this Court's Order dated April 15, 2009 and to provide the information requested on Trudy Hall, and for such other and further relief to which the Trustee may be allowed, at law or in equity.

Respectfully submitted,

Kent Ries, Attorney at Law
600 S. Tyler, Box 12058
1300 Bank One Center
Amarillo, Texas 79101
(806) 242-7427
(806) 242-7440 - Fax

By: /s/ Kent Ries

Kent Ries

State Bar No. 1691450

COUNSEL FOR TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of May, 2009, a true and correct copy of the above and foregoing was sent electronically via ECF or mailed in the United States mail, postage prepaid, to the parties listed below and on the attached matrix.

United States Trustee
1100 Commerce Street, Room 9C60
Dallas, Texas 75242

Ralph Lyle Crum
P.O. Box 40713
Austin, Texas 78704-0012

Van Northern
Northern Law Firm
112 W. 8th, Suite 400
Amarillo, Texas 79101

/s/ Kent Ries

Kent Ries

U.S. Attorney
1100 Commerce, 3rd Floor
Dallas, TX 75242-1074

U.S. Attorney General
Department of Justice
Washington, DC 20001

AT&T Mobility
P.O. Box 650553
Dallas, TX 75265-0553

AMERICAN HONDA FINANCE
P O BOX 168088
IRVING, TX 75016-8088

Amex
P.O. Box 297871
Fort Lauderdale, FL 33329-7871

Armstrong Moving & Storage
2401 Double Creek Drive
Round Rock, TX 78664-3806

Arturo Carillo Medical
1911 Port Lane
Amarillo, TX 79106-2470

Aspen Collection
P.O. Box 5129
Spring Hill, FL 34611-5129

Attorney-In-Charge
Office of the United States
500 S. Taylor, Lobby Box 238
Amarillo, TX 79101-2446

Bank Of America
Pob 17054
Wilmington, DE 19884-0001

Bank of America
P.O. Box 15714
Wilmington, DE 19886-5714

Chase
800 Brooksedge Blvd
Westerville, OH 43081-2822

Chase Business Cardmember
P.O. Box 94104
Palatine, IL 60094-4104

Comptroller of Public Accounts
Taxation Division Bankruptcy
P.O. Box 12548
Austin, TX 78711-2548

Financial Recovery Services
P.O. Box 385908
Minneapolis, MN 55438-5908

Fred Siegel, Esq.
1281 East Main Street
Holly Pond Plaza
Stamford, CT 06902-3544

GE Capital
P.O. Box 740441
Atlanta, GA 30374-0441

Goldfarb & Ajello Court
24 East Ave.
Box 1372
New Canaan, CT 06840-5529

Hartley Hampton
Attorney at Law
Five Houston Center
1401 McKinney, Suite 1800
Houston, TX 77010-4037

Helen Bruno, Esq.
112 Prospect Street
Stamford, CT 06901-1207

Home Coming Funding Ne
2711 N Haskell Ave. Sw 1
Dallas, TX 75204-2911

Homecomings Financial, LLC
c/o Pite Duncan, LLP
525 East Main Street
P.O. Box 12289
El Cajon, CA 92022-2289

Internal Revenue Service
Special Procedures Branch
Bankruptcy Section, Mail Code
1100 Commerce Street
Dallas, TX 75242-1001

Lu Ann Weldon, MSHA, RN, CPC
Professional Healthcare
1800 W. Cherry Ave.
Amarillo, TX 79108-0703

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Siver Golub & Teitell, LLP
Post Office Box 389
Stamford, CT 06904-0389

Randi Crum
25 Fanton Hill Road
Weston, CT 06883-2406

Randi L. Crum
c/o Coleman Young
Templeton Law Firm
P. O. Box 15010
Amarillo, TX 79105-5010

Ruth S. Vidauri
Wells Fargo SBA Lending
4406 Piedras Dr. West, Ste 100
San Antonio, TX 78228-1207

Tascosa Office Machines
1005 W. 8th Street
Amarillo, TX 79101-2011

Texas Workforce Commission
101 E. 15th Street
Austin, TX 78778-0001

Toohar & Woel, LLC
80 Fourth Street
Stamford, CT 06905-5009

United Collection Bureau, Inc.
P.O. Box 1117
Maumee, OH 43537-8117

Wells Fargo Bank
Amarillo Downtown Business
905 S. Fillmore
Amarillo, TX 79101-3540

Willows Pediatric Group
1563 Post Road East
Westport, CT 06880-5602

Ralph Lyle Crum
7003 Covenant Lane
Amarillo, TX 79109-6880

Van W. Northern
Northern Law Firm
112 W. 8th Street, Suite 400
Amarillo, TX 79101-2314

American Honda Finance
600 Kelly Way
Holyoke, MA

KENT RIES

ATTORNEY AT LAW

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AMARILLO, TEXAS 79101

E-MAIL: KENT@KENTRIES.COM

TELEPHONE
(806) 242-7437

FACSIMILE
(806) 242-7440

April 17, 2009

Edificio Grupo Sama
Sabana Sur, Calles 46 y 48, Avenida 10
Apdo: 7611-1000
San Jose, Costa Rica

Re: Case No. 08-20297; *Ralph Lyle Crum*; In the United States Bankruptcy Court,
Northern District of Texas, Amarillo Division

To Whom It May Concern:

I am the Trustee appointed in the above referenced bankruptcy case. Enclosed is a copy of the Notice of Chapter 7 Bankruptcy Case that describes information about the case.

According to the Debtor's schedules, Mr. Crum has an account at your institution, Account No. 10673534 (see enclosed contract), with an account balance of approximately \$254,902.04. This account constitutes property of this bankruptcy estate pursuant to the attached Court Order. This letter is formal notice to you that you must turnover the account balance to the Estate within ten days from the date of this letter. Funds should be made payable to the Estate of Ralph Lyle Crum. This request is made under Section 543 (b) of the Bankruptcy Code.

Your prompt attention to this matter is appreciated. If you have any questions on the above, please call me.

Sincerely,


Kent Ries

KR/bh

Cc: Van Northern
Ralph Crum
Cole Young

EXHIBIT A

KENT RIES

ATTORNEY AT LAW

600 S. TYLER, BOX 12058

1300 CHASE TOWER

AMARILLO, TEXAS 79101

TELEPHONE
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E-MAIL: KENT@KENTRIES.COM

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(806) 242-7440

April 17, 2009

Mr. Van Northern
112 W. 8th, Suite 400
Amarillo, Texas 79101

Re: Case No. 08-20297; *Ralph Lyle Crum*; In the United States Bankruptcy Court,
Northern District of Texas, Amarillo Division

Dear Van:

Enclosed please find a copy of correspondence I sent to Group Sama requesting the turnover of funds. Please advise your client to contact the bank as well and to fully cooperate with the turnover of these funds.

Also, I need the contact information on Trudy Hall, as I requested on March 23, 2009 (enclosed).

If you have any questions on the above, please call me.

Sincerely,



Kent Ries

Enclosure

KR/bh

Cc: Ralph Crum
Cole Young